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BANK OF AMERICA, NATIONAL ASSOCIATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WILLIAM MARR,  
  
Plaintiff,  
  
v.  
  
BANK OF AMERICA NATIONAL  
ASSOCIATION; and DOES 1 through 100,  
inclusive,  
  
Defendants.

Case No. CV 09-05978 WHA

**DECLARATION OF MICHAEL D.  
WEIL IN SUPPORT OF  
DEFENDANT'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
(FED. R. CIV. P. 56)**

Judge: The Hon. William Alsup  
Courtroom: 9, 19th Floor  
Date: March 10, 2011  
Time: 8:00 a.m.

1 I, Michael D. Weil, declare as follows:

2 1. I am an associate at the law firm of Orrick, Herrington & Sutcliffe LLP, counsel  
3 for Defendant Bank of America, National Association in the above-captioned action. The facts  
4 set forth in this declaration I know to be true of my own personal knowledge, except where such  
5 facts are stated to be based on information and belief, and those facts I believe to be true. If  
6 called as a witness, I could and would competently testify to them under oath. I make this  
7 declaration in support of Defendant's Motion for Partial Summary Judgment.

8 2. Attached as **Exhibit A** is a true and correct copy of the cover page, excerpted  
9 pages, and the Reporter's Certificate from the deposition transcript of Plaintiff William Marr,  
10 taken in this case on July 28, 2010.

11 3. Attached as **Exhibit B** is a true and correct copy of Exhibit 7 to the deposition of  
12 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
13 32, line 23 through page 34, line 1, inclusive.

14 4. Attached as **Exhibit C** is a true and correct copy of Exhibit 8 to the deposition of  
15 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
16 34, line 12 through page 35, line 12, inclusive.

17 5. Attached as **Exhibit D** is a true and correct copy of Exhibit 9 to the deposition of  
18 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
19 35, line 17 through page 36, line 14, inclusive.

20 6. Attached as **Exhibit E** is a true and correct copy of Exhibit 14 to the deposition of  
21 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
22 89, line 10 through page 90, line 14, inclusive.

23 7. Attached as **Exhibit F** is a true and correct copy of Exhibit 18 to the deposition of  
24 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
25 127, lines 10 through 17, inclusive.

26 8. Attached as **Exhibit G** is a true and correct copy of Exhibit 19 to the deposition of  
27 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
28 127, line 21 through page 128, line 4, inclusive.

1           9.       Attached as **Exhibit H** is a true and correct copy of Exhibit 20 to the deposition of  
2 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
3 128, lines 3 through 10, inclusive.

4           10.      Attached as **Exhibit I** is a true and correct copy of Exhibit 21 to the deposition of  
5 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
6 128, lines 11 through 18, inclusive.

7           11.      Attached as **Exhibit J** is a true and correct copy of Exhibit 23 to the deposition of  
8 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
9 147, line 1 through page 148, line 9, inclusive.

10          12.      Attached as **Exhibit K** is a true and correct copy of Exhibit 27 to the deposition of  
11 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
12 163, line 10 through page 164, line 11, inclusive.

13          13.      Attached as **Exhibit L** is a true and correct copy of Exhibit 28 to the deposition of  
14 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
15 164, lines 15 through 25, inclusive.

16          14.      Attached as **Exhibit M** is a true and correct copy of Exhibit 29 to the deposition of  
17 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
18 165, lines 5 through 19, inclusive.

19          15.      Attached as **Exhibit N** is a true and correct copy of Exhibit 30 to the deposition of  
20 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
21 168, line 15 through page 170, line 5, inclusive.

22          16.      Attached as **Exhibit O** is a true and correct copy of Exhibit 32 to the deposition of  
23 Plaintiff, which was identified by Mr. Marr at his deposition on July 28, 2010 at deposition page  
24 181, lines 15 through 22, inclusive.

25          17.      Attached as **Exhibit P** is a true and correct copy of the cover page, excerpted  
26 pages, and the Reporter's Certificate from the deposition transcript of Ann Thompson, taken in  
27 this case on December 20, 2010.

28          18.      Attached as **Exhibit Q** is a true and correct copy of the cover page, excerpted

1 pages, and the Reporter's Certificate from the deposition transcript of Harold Michaud, taken in  
2 this case on December 21, 2010.

3 19. Attached as **Exhibit R** is a true and correct copy of the cover page, excerpted  
4 pages, and the Reporter's Certificate from the deposition transcript of Tyler Russell, taken in this  
5 case on January 18, 2011.

6 20. Attached as **Exhibit S** is a true and correct copy of the cover page, excerpted  
7 pages, and the Reporter's Certificate from the deposition transcript of Wayne Perry, taken in this  
8 case on January 14, 2011.

9 21. Attached as **Exhibit T** is a true and correct copy of Exhibit 44 to the deposition of  
10 Wayne Perry, which was identified by Mr. Perry at his deposition on January 14, 2011 at  
11 deposition page 270, line 16, through page 271, line 6, inclusive, and is identified by bates label  
12 D03084.

13 22. Attached as **Exhibit U** is a true and correct copy of the cover page, excerpted  
14 pages, and the Reporter's Certificate from the deposition transcript of Michael Joseph, taken in  
15 this case on December 15, 2010.

16 23. Attached as **Exhibit V** is a true and correct copy of Exhibit 1 to the deposition of  
17 Michael Joseph, which was identified by Mr. Joseph at his deposition on December 15, 2010 at  
18 deposition page 37, line 13, through page 39, line 6, inclusive.

19 24. Attached as **Exhibit W** is a true and correct copy of Exhibit 8 to the deposition of  
20 Michael Joseph, which was identified by Mr. Joseph at his deposition on December 15, 2010 at  
21 deposition page 65, line 4, through page 67, line 6, inclusive.

22 25. Attached as **Exhibit X** is a true and correct copy of Exhibit 9 to the deposition of  
23 Michael Joseph, which was identified by Mr. Joseph at his deposition on December 15, 2010 at  
24 deposition page 67, line 14, through page 68, line 1, inclusive.

25 26. Attached as **Exhibit Y** is a true and correct copy of Exhibit 11 to the deposition of  
26 Michael Joseph, which was identified by Mr. Joseph at his deposition on December 15, 2010 at  
27 deposition page 77, line 8, through page 79, line 18, inclusive.

28 27. Attached as **Exhibit Z** is a true and correct copy of Exhibit 12 to the deposition of

1 Michael Joseph, which was identified by Mr. Joseph at his deposition on December 15, 2010 at  
2 deposition page 78, lines 18 through 25, inclusive.

3 28. Attached as **Exhibit AA** is a true and correct copy of Exhibit 13 to the deposition  
4 of Michael Joseph, which was identified by Mr. Joseph at his deposition on December 15, 2010  
5 at deposition page 81, line 13, through page 83, line 6, inclusive.

6 29. Attached as **Exhibit BB** is a true and correct copy of Exhibit 14 to the deposition  
7 of Michael Joseph, which was identified by Mr. Joseph at his deposition on December 15, 2010  
8 at deposition page 84, line 10, through page 85, line 17, inclusive.

9 30. Attached as **Exhibit CC** is a true and correct copy of Exhibit 16 to the deposition  
10 of Michael Joseph, which was identified by Mr. Joseph at his deposition on December 15, 2010  
11 at deposition page 89, line 21, through page 90, line 6, inclusive.

12 31. Attached as **Exhibit DD** is a true and correct copy of Exhibit 18 to the deposition  
13 of Michael Joseph, which was identified by Mr. Joseph at his deposition on December 15, 2010  
14 at deposition page 97, lines 1 through 8, inclusive.

15 32. Attached as **Exhibit EE** is a true and correct copy of Exhibit 19 to the deposition  
16 of Michael Joseph, which was identified by Mr. Joseph at his deposition on December 15, 2010  
17 at deposition page 100, line 10, through page 103, line 22, inclusive.

18 33. Attached as **Exhibit FF** is a true and correct copy of Exhibit 22 to the deposition  
19 of Michael Joseph, which was identified by Mr. Joseph at his deposition on December 15, 2010  
20 at deposition page 111, line 23, through page 112, line 25, inclusive.

21 34. Attached as **Exhibit GG** is a true and correct copy of Plaintiff's Second Amended  
22 Responses to Defendant's First Set of Interrogatories served on January 11, 2011.

23 35. Attached as **Exhibit HH** is a true and correct copy of data excerpted from  
24 Plaintiff's Second Amended Responses to Defendant's First Set of Interrogatories, which  
25 document expenses Plaintiff alleges to have occurred prior to December 31, 2005.

26 36. Attached as **Exhibit II** is a true and correct copy of data excerpted from Plaintiff's  
27 Second Amended Responses to Defendant's First Set of Interrogatories, which documents  
28 expenses Plaintiff alleges to have occurred prior to August 20, 2005.

